



DT Rec'd PCT/PTO 14 OCT 2004

Patent
Attorney Docket No. 032013-103X
3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Suzy Charbit et al.

Group Art Unit: Unassigned

Application No.: 10/507,485

Examiner: Unassigned

Filing Date: September 13, 2004

Confirmation No.: Unassigned

Title: ENANTIOMER (-) OF TENATOPRAZOLE AND THE THERAPEUTIC USE THEREOF

FIRST
INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTERCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a FIRST Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- ☒ No additional fee for submission of an IDS is required.
- ☐ The fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e) is also enclosed.
- ☐ A statement under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- ☐ Charge _____ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

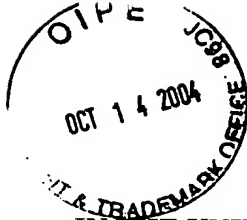
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By

Melissa M. Hayworth
Registration No. 45,774Date: October 14, 2004

(8/04)



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In re Patent Application of)	
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)	Group Art Unit: Unassigned
Application No.: 10/507,485)	
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)	Confirmation No.: Unassigned
For: ENANTIOMER (-) OF)	
TENATOPRAZOLE AND THE)	
THERAPEUTIC USE THEREOF)	

FIRST INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, the accompanying information is being submitted in accordance with 37 C.F.R. §§ 1.97 and 1.98.

Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed. However, copies of the listed U.S. patents and U.S. patent application publications are not enclosed since it is no longer required according to the July 11, 2003 waiver of the requirement for copies of cited U.S. patents and U.S. patent application publications in national patent applications filed after June 30, 2003 and international applications entering the national stage under 35 U.S.C. § 371 after June 30, 2003.

The documents are being submitted within three (3) months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later. Since these documents are being filed within the time period set forth in 37 C.F.R. § 1.97(b), no fee or statement is required. One of the documents submitted was cited in an International Search Report dated May 19, 2004.

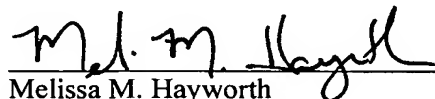
To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date October 14, 2004

By:


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Substitute for form 1449A/PTO & 1449B/PTO

FIRST **INFORMATION DISCLOSURE**
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number 10/507,485
 Filing Date September 13, 2004
 First Named Inventor Suzy Charbit et al.
 Examiner Name Unassigned
 Attorney Docket Number 032013-103

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)
	5,948,789		Larsson et al.	09-07-1999
	6,706,737		Whittle et al.	03-16-2004

FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	STATUS						
					Translation	Partial Translation	Eng. Lang. Summary	Search Report	IPER	Abstract	Cited in Spec
	WO 01/28558	A1	PCT	04-26-2001				X			
	WO 94/27988	A1	PCT	12-08-1994							
	0005129		Europe	10-31-1979							
	0103553		Europe	03-21-1984							
	0254588		Europe	01-27-1988							

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	International Search Report issued in Application No. PCT/FR03/03746, dated May 19, 2004
	JEDEDIAH BATEMAN et al., "Comparison of Pharmacokinetic Properties of Omeprazole and Esomeprazole", Pharmaceutics 1 (PSCI 423), April 4, 2002
	"Esomeprazole – Proton Pump Inhibitors Revisited", RGH Pharmacy E-Bulletin, Volume 10 (7): June 16, 2003

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.